



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,465	08/30/2000	Victor Kouznetsov	NAI 00.61.01	1055

23517 7590 02/02/2005

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP  
3000 K STREET, NW  
BOX IP  
WASHINGTON, DC 20007

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/651,465	<b>Applicant(s)</b> KOUZNETSOV ET AL.	
	<b>Examiner</b> Minh Dieu Nguyen	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-8, 10-12, 14-16 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 9, 13 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 10-12, 14-16 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed September 24, 2004 with the amendment of claims 1, 7-8, 10 and 15-16; the cancellation of claims 4-5, 9, 13 and 17-19 and the addition of claims 20-26.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2, 7, 10-11 and 15 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments focus on the combination of features introduced by the amendment with elements that already exists in the claims. The new material is rendered obvious by Delo et al. (6,418,554).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 6, 8, 12, 14, 16 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Delo et al. (6,418,554).

a) As to claim 1, Delo discloses a method and system for automatically installing software implementations, the invention's title and abstract anticipate a system for providing application services having both user-mode processes and privileged-mode process comprising an agent executing in privileged mode and exposing an interface to user-mode processes; a user-mode component having an interface configured to accesses the agent's exposed interface (col. 1, line 66 to col. 2, line 2); and a configuration component specifying a list of installable code components that are authorized for installation, wherein the agent will only execute privilege mode functions in response to accesses by the user-mode code component when the installable code component is represented on the list (col. 2, lines 3-7); wherein the user-mode component comprises an application software installation wizard (col. 7, lines 18-22); wherein specifications are included within the configuration component specifying instructions for installing program components into an operating system (col. 8, lines 18-32); wherein the agent is capable of creating an instance of the application software installation wizard in accordance with a definition supplied in the configuration component (col. 6, line 65 to col. 7, line 8; lines 47-49).

b) As to claim 3 and 12, Delo discloses the system further comprising a user interface implemented within the user-mode component (Fig. 4, element 84b).

c) As to claims 6 and 14, Delo discloses the system wherein the agent behavior is configured by the contents of the configuration component (col. 1, lines 45-65; col. 2, lines 45-54).

d) As to claims 8 and 16, Delo discloses the system wherein specifications are included within the configuration component specifying a list of objects that are permitted to be created by the agent (col. 1, lines 45-48, lines 66-67; col. 2, lines 1-2) and the agent is responsive to the list of objects to prevent creation of any object unless it is specified on the list of objects (Fig. 2).

e) As to claim 23, Delo discloses the application software installation wizard includes a scripted user interface for supplying and obtaining user-specific information including a name and licensing information (col. 9, lines 47-58).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 7, 10-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delo et al. (6,418,554) in view of Jaeger and Rubin, "Protocols for Authenticated Download to Mobile Information Appliances".

a) As to claims 2, 7, 11 and 15, Delo does not disclose the system wherein the configuration component includes a digital signature and the digital signature is authenticated using the agent.

Jaeger discloses file authentication is achieved by using a cryptographic digest of file f to see if it matches a cryptographic digest of a file whose identity matches f (page 4, middle of second column).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of digital signing to authenticate the requested files in the system of Delo, as Jaeger teaches, so as to improve the authenticity of the downloaded files.

b) As to claim 10, it is largely identical to claim 1 with the steps of authenticating the configuration file comes from a trusted source.

Jaeger discloses file authentication is achieved by using a cryptographic digest of file f to see if it matches a cryptographic digest of a file whose identity matches f (page 4, middle of second column).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of digital signing to authenticate the requested files in the system of Delo, as Jaeger teaches, so as to prevent downloading files from the untrusted sources.

7. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delo et al. (6,418,554) in view of Microsoft Outlook 98 Deployment Kit.

Delo does not disclose the configuration component includes a cabinet file and wherein the cabinet file is compressed.

Microsoft discloses the configuration component includes a cabinet file and wherein the cabinet file is compressed (Chapter 2 - Installation and Configuration, Benefits).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of compressed cabinet (.cab) file for configuration component in the system of Delo, as Microsoft discloses, so as to easily customize installation components.

8. As to claim 22, the examiner takes official notice that use of network browser program to execute the application software installation wizard is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of network browser program to execute the application software installation wizard in the system of Delo so as to make a simple installation process over the Internet.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delo et al. (6,418,554) in view of Russell et al. (2005/0015775).

Delo does not disclose the wizard makes a call to create object program component including an executable function and the create object program component

executes in a user-mode for sending a message to a create object interface of the agent, the message including an identification of the configuration component.

Russell discloses a server application-programming model using software components, and more particularly managing execution of such components using context objects wherein the installation wizard makes a call to create object program component including an executable function defined in a .dll file, and the create object program component executes in a user-mode for sending a message to a create object interface of the agent, the message including an identification of the configuration component (page 16, paragraph [0144]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of making a call to object program component for executing sending a message including an identification of configuration component in the system of Delo, as Russell discloses, so as to make installation and configuration services more secure and flexible.

***Allowable Subject Matter***

10. Claims 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2137

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

*mdn*  
mdn  
1/31/05

Minh Dieu Nguyen  
Examiner  
Art Unit 2137



**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**